



# NORTH CAROLINA

## STATE BOARD OF ELECTIONS

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### VIA EMAIL

John Branch  
for Mark Harris for Congress Committee

February 21, 2019

Re: New production of records previously not produced under the State Board's subpoena to the Mark Harris for Congress Committee dated December 1, 2018 and February 6, 2019.

Mr. Branch:

Last night, ahead of the fourth day of testimony in the evidentiary hearing on your case, counsel for the State Board received a new production from the Mark Harris for Congress Committee (the "Committee"). New records were provided days after you had confirmed in writing that you had already produced "all responsive, non-objectionable" documents in response to the State Board's subpoenas."

The Committee's prior representation was "mistaken," according to your email, because your "supplements were responding to the Board's supplemental request and not the entirety of the subpoena." I assume you are referring to the January 15 letter captioned, "Request for clarification regarding productions under the State Board subpoena to Mark Harris for Congress Committee dated December 1, 2018" (enclosed), and to which the Committee responded with documents on February 8.

To be clear, there was no supplemental subpoena. The terms of the State Board's two subpoenas to the Committee, issued December 1, 2018 and then on February 6, 2019 under the new Chair's signature, were identical in scope. Both clearly included all documents related to "Leslie McCrae Dowless, Jr." and "Absentee ballots and absentee ballot request forms" from January 1, 2016 through December 1, 2018 in the possession of the Committee.

Based on your communication from last night, you represent that you only conducted "additional searches of documents, emails, and texts between March 1, 2017 and July 4, 2017 using the terms 'absentee', 'ballot', and different iterations of 'McCrae' and 'Dowless'" yesterday afternoon.

My letter of January 15, did not modify any term of the subpoena. Rather, it informed the Committee of our Agency's view that in effort to shield communications prior to July 2017—the filing of certain statements with the